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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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THE DIRECTV GROUP INC
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EXAMINER

SHELEHEDA, JAMES R

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,919

Applicant(s)

SIBLEY, ERIN H.

Examiner

James Sheleheda

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/10/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10, 12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Allport (6,097,441) (of record)

As to claim 1, Allport discloses a system of distributing electronic content, comprising:

a network operations center (providing the television programming signals; Fig. 1; column 9, lines 46-51) forming a composite broadcast signal having digital electronic content (column 12, lines 11-26) during a vertical blanking interval of a primary channel signal (column 12, lines 11-26 and column 7, lines 59-64);

a content delivery system (a satellite system; column 9, lines 46-51) receiving said composite broadcast signal from said network operations center and broadcasting said composite broadcast signal (Fig. 1; column 9, lines 46-51);

a base station (75) receiving said composite broadcast signal (column 9, lines 46-51) grabbing frames from the composite broadcast signal (extracting the VBI data from the video frames; column 13, lines 1-60) and forming a wireless local area network (wireless networking with remote unit, 10; column 10, lines 16-54), said base station re-

broadcasting at least a portion of said composite signal as a rebroadcast signal using said wireless local network (wirelessly transmitting the embedded data to the remote control; column 12, lines 11-44); and

a plurality of user appliances (remote controls with displays, 10; column 5, lines 59-62) positioned with said local area network and receiving said re-broadcast signal (Fig. 1; column 12, lines 11-44).

As to claim 2, Allport discloses a television coupled to said based station (Fig. 1), said television receiving at least a portion of said composite signal (column 12, lines 11-20).

As to claim 3, Allport discloses wherein said base station couples said primary channel to said television (column 12, lines 11-20).

As to claim 4, Allport discloses wherein said base station forms said rebroadcast signal from said digital electronic content (column 12, lines 11-20 and column 13, lines 1-26).

As to claim 5, Allport discloses wherein said electronic content comprises digital audio signals (column 15, lines 12-20).

As to claim 6, Allport discloses wherein said electronic content comprises digital audio signals (column 15, lines 12-20).

As to claim 7, Allport discloses wherein said content delivery system comprises a high altitude device (a satellite system; column 9, lines 46-51).

As to claim 8, Allport discloses wherein said content delivery system comprises a satellite (column 9, lines 46-51).

As to claim 10, Allport discloses wherein said base station comprises an integrated receiver decoder (column 9, lines 20-65).

As to claim 12, Allport discloses wherein said content delivery system comprises a cable network (column 9, lines 46-51).

As to claim 14, Allport discloses a method of distributing electronic content, comprising:

uplinking a primary channel (providing the television programming signals; Fig. 1; column 9, lines 46-51) having a digital electronic content (column 12, lines 11-26) during a vertical blanking interval of a primary channel signal (column 12, lines 11-26 and column 7, lines 59-64) to a high altitude device (satellite; column 9, lines 46-51);

receiving the primary channel signal having a digital electronic content during a vertical blanking interval from the high altitude device (column 9, lines 46-51);

grabbing frames of the primary channel signal to recover the electronic content (extracting the VBI data from the video frames; column 13, lines 1-60);

over-the-air broadcasting the digital electronic signal (wirelessly transmitting the embedded data to the remote control; column 12, lines 11-44) through a wireless local network (wireless networking with remote unit, 10; column 10, lines 16-54); and

receiving the electronic content packages (Fig. 1; column 12, lines 11-44) through a plurality of user appliances (remote controls with displays, 10; column 5, lines 59-62).

As to claim 15, Allport discloses wherein the step of receiving over-the-air broadcasting comprises over-the-air broadcasting from a base station (wirelessly transmitting the embedded data to the remote control; column 12, lines 11-44).

As to claim 16, Allport discloses wherein the step of receiving over-the-air broadcasting comprises over-the-air broadcasting from a base station within a building (wirelessly transmitting the embedded data to the remote control; column 12, lines 11-44).

As to claim 17, Allport discloses the step of coupling the primary channel to a television (column 12, lines 11-20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 11, 13 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport.

As to claim 18, Allport discloses a method of distributing electronic content, comprising:

broadcasting a television signal having a vertical blanking interval (column 9, lines 46-51 and column 12, lines 11-26);

broadcasting the digital video stream within the vertical blanking interval (column 12, lines 11-26);

receiving the digital video stream using frame grabbing software (extracting the VBI data from the video frames; column 13, lines 1-60);

re-broadcasting the digital video stream using a wireless local area network (wirelessly transmitting the embedded data to the remote control; column 12, lines 11-44).

While Allport discloses electronic content in a digital video stream (Fig. 3; column 12, lines 11-44), he fails to specifically disclose wherein the electronic content is digitally compressed.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to digitally compress data before transmission, which results in the data requiring less bandwidth and storage space, for the typical benefits of reducing the required bandwidth to transmit the data.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Allport's system to include wherein the electronic content is digitally compressed for the typical benefits offered by compression of reducing the required bandwidth to transmit the data.

As to claim 19, Allport discloses the step of coupling the primary channel to a television (column 12, lines 11-20).

As to claim 20, Allport discloses the step of receiving the electronic content in a user appliance (Fig. 1; column 12, lines 11-44).

As to claim 21, Allport discloses wherein the step of receiving comprises the step of digitally decompressing the digital video stream (wherein the compression of the signal, as indicated in claim 18, would inherently require the signal to be decompressed for use), and displaying the video stream (column 12, lines 10-44).

As to claim 22, Allport discloses wherein the step of receiving comprises grabbing a vertical blanking interval frame (extracting the VBI data from the video frames; column 13, lines 1-60).

As to claim 11, while Allport discloses electronic content in a digital video stream (Fig. 3; column 12, lines 11-44), he fails to specifically disclose wherein the electronic content is compressed.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to compress data before transmission, which results in the data requiring less bandwidth and storage space, for the typical benefits of reducing the required bandwidth to transmit the data.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Allport's system to include wherein the electronic content is compressed for the typical benefits offered by compression of reducing the required bandwidth to transmit the data.

As to claim 13, while Allport discloses wherein the content delivery system may be any of a plurality of networks (Fig. 3), he fails to specifically disclose a fiber optic network.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a fiber optic network to transmit television programming, which provide larger bandwidth, smaller size and lower weight in

Art Unit: 2617

comparison to typical coaxial cable networks, for the typical benefits of utilizing a larger bandwidth, smaller size and lower weight transmission network.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Allport's system to include a fiber optic network for the typical benefits offered by fiber optics of larger bandwidth, smaller size and lower weight.

As to claim 9, while Allport discloses wherein the content delivery system may be any of a plurality of networks (Fig. 3), he fails to specifically disclose a stratospheric platform.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a stratospheric platform, which typically consists of an orbiting blimp or airplane, which can provide a wider coverage area than earth-based transmission but with a lower signal delay and path loss than satellite transmissions, for the typical benefits including transmitting signals to a wide area with low signal delays and path losses.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Allport's system to include a stratospheric platform for the typical benefits offered by a stratospheric platform of a wide coverage area combined with lower signal path losses and delays.

Response to Arguments

5. Applicant's arguments filed 07/12/05 have been fully considered but they are not persuasive.

a. On page 8, applicant argues that Allport fails to disclose a network.

In response, Allport specifically discloses a plurality of handheld devices (column 5, lines 59-62 and Fig. 1) which transmit and receive data with the base station (column 10, lines 16-56). As this is a plurality of interconnected computers, this clearly meets the broad limitation of a "network" as claimed.

b. On page 8, applicant states that claim 18 has been amended to include frame grabbing software.

While applicant has provided no actual argument as to how this feature is not present in the references, it is noted that, as indicated in the rejections above, Allport specifically discloses extracting digital data from the VBI of video frames (column 12, lines 11-44). This meets the claim limitation of a "frame grabbing software" which grabs frames to extract the electronic content.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2617

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2617

JS



VIVEK SRIVASTAVA
PRIMARY EXAMINER